THE HON'BLE SRI JUSTICE GHULAM MOHAMMED
and
THE HON'BLE SRI JUSTICE SANJAY KUMAR

W.A.Nos. 2197 and 2351 of 2005

COMMON JUDGMENT (Per Sri Justice Ghulam Mohammed)

Since both these appeals arise out of one and the same order dated 04.08.2004 passed in W.P.No.239 of 2004, they are being taken up together for disposal by this common judgment.

2. The husband of the petitioner in the writ petition died in harness while working as Electrician in APSRTC on 04.11.1980. When the son of the petitioner made representations seeking compassionate appointment, the Regional Manager of the Corporation vide proceedings dated 24.05.2000 rejected the same stating that neither he is eligible for employment nor he can claim monetary benefits. Challenging the said proceedings, he filed W.P. No.11846 of 2000, which in turn was dismissed on 05.07.2000. The writ appeal being W.A.No.1494 of 2000 preferred by him was disposed of on 03.10.2002 directing the Corporation to pay the monetary benefits to him in lieu of employment but the same has not been complied with despite several representations made by him. Hence, the mother filed W.P.No.239 of 2004 seeking a mandamus to direct the respondents to pay her the monetary benefits in lieu of compassionate appointment. By the order impugned, this Court directed the Corporation to pay the pecuniary monetary benefits, as directed in W.A.No.1494 of 2000, to the petitioner as she alone is entitled for such payment, within a period of two months from the date of receipt of a copy of the said order. Aggrieved by the same, the Corporation filed W.A.No.2197 of 2005 and the mother filed W.A.No.2351 of 2005.

3. Heard both sides.

4. In the order impugned, the Corporation has fairly conceded about payment of monetary benefits to the son of the deceased employee and to avoid contempt proceedings in W.A.No.1494 of 2000, the Corporation wants no-objection from her son for payment of pecuniary benefits to her. Since W.A.No.1494 of 2000 had attained finality and in view of undertaking given by the Corporation, the learned Judge directed the Corporation to pay the pecuniary monetary benefits as directed in W.A.No.1494 of 2000 to the petitioner as she alone is entitled for such payment. Therefore, we do not find any infirmity in it warranting interference by this Court.

Accordingly, the W.A.No.2351 of 2005 filed by the wife of the deceased employee is allowed, directing the Corporation to pay the monetary benefits as directed in the impugned order, within a period of four weeks from the date of receipt of a copy of this judgment. Consequently, W.A.No.2197 of 2005 filed by the Corporation is dismissed. No order as to costs.

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GHULAM MOHAMMED, J

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SANJAY KUMAR, J

Date:13.10.2011
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